

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ANDREA R. DUKE,)	
)	
Plaintiff,)	Case No. 1:11-CV-72
v.)	
)	Chief Judge Curtis L. Collier
MID-AMERICA APARTMENT)	
COMMUNITIES, INC. D/B/A)	
HAMILTON POINTE APARTMENTS)	
)	
Defendant.)	

MEMORANDUM

Before the Court is Plaintiff Andrea Duke (“Plaintiff”) and Defendant Mid-America Apartment Communities’s (“Defendant”) joint motion to remand this case to state court (Court File No. 7). For good cause shown, the Court will **GRANT** the parties’s motions (Court File No. 7) and **REMAND** this matter to the Circuit Court for Hamilton County, Tennessee.

A defendant may remove any civil action filed in state court to federal court if the district court would have had subject matter jurisdiction had the case been originally filed in federal court. 28 U.S.C. § 1441. The removing party bears the burden of establishing removal was proper. *Conrad v. Robinson*, 871 F.2d 612, 614 (6th Cir. 1989). However, in any case removed from state court, the federal district court shall remand the case if it appears the court lacks subject matter jurisdiction. 28 U.S.C. § 1447(c).

Here, Plaintiff filed an amended complaint (Court File No. 5) removing any allegations of possible violations of the Americans with Disabilities Act against Defendant. The parties agree this Court no longer has subject matter jurisdiction to hear this matter as there is no longer a federal question before this Court. Accordingly, the Court will **GRANT** the parties’s motion (Court File No. 7) and will **REMAND** this matter to the Circuit Court for Hamilton County, Tennessee.

An Order shall enter.

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE